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Counsel for the Proposed Classes*

10 [Additional Counsel Listed on  
11 Signature Page]

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

16 IN RE  
17 CARRIER IQ, INC.,  
CONSUMER PRIVACY LITIGATION  
18  
19  
20 This Document Relates to:  
21 ALL CASES

No. 12-md-2330-EMC

**DECLARATION OF DANIEL L.  
WARSHAW IN RESPONSE TO ORDER  
RE SUPPLEMENTAL BRIEFING  
AND/OR EVIDENCE**

Date: February 16, 2016  
Time: 2:00 p.m.  
Judge: Judge: Honorable Edward M. Chen  
Ctrm.: Courtroom 5, 17<sup>th</sup> Floor

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DECLARATION OF DANIEL L. WARSHAW IN RESPONSE TO ORDER RE SUPPLEMENTAL BRIEFING  
AND/OR EVIDENCE

1 I, Daniel L. Warshaw declare as follows:

2       1. I am an attorney duly licensed to practice law in the State of California and before  
 3 this Court. I am a partner in the law firm Pearson, Simon & Warshaw, LLP (“PSW”), attorneys of  
 4 record for Plaintiff Daniel Pipkin and Interim Co-Lead Counsel for Plaintiffs and the proposed  
 5 Class in this case. I make this declaration in response to the Order Re Supplemental Briefing  
 6 and/or Evidence. I have personal knowledge of the following matters and, if called to testify  
 7 concerning them, I could and would do so competently.

8       2. I am one of the attorneys principally responsible for the handling of this matter. I  
 9 am personally familiar with the facts set forth in this declaration. If called as a witness I could and  
 10 would competently testify to the matters stated herein.

11       3. Pursuant to the Order re Supplemental Briefing and/or Evidence (“Order”) (Dkt.  
 12 No. 408), I gathered and compiled Interim Co-Lead Counsels’ time and costs in order to answer  
 13 the questions in Section H of the Court’s Order.

14       4. **Lodestar:** In order to calculate Interim Co-Lead Counsels’ lodestar, I set the  
 15 inception date to correspond with the April 20, 2012 MDL Transfer Order (Dkt. No. 1) rather than  
 16 include pre-coordination activity. The following *estimated* figures are based upon work  
 17 performed from April 20, 2012 through January 22, 2016. The estimated lodestar<sup>1</sup> of Interim Co-  
 18 Lead Counsel is \$3,254,964.25, using historic rates. Therefore, the multiplier is 0.691 based upon  
 19 a fee request of \$2,225,000. The average hourly rate is \$492.82. The number of hours incurred by  
 20 Interim Co-Lead counsel is 6,604.80.

21       5. Pursuant to the Court’s request, we broke the lodestar into categories of major tasks  
 22 performed in this litigation. The below table estimates the total number of hours expended by  
 23 Interim Co-Lead Counsel by tasks.

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26       1 Interim Co-Lead Counsel plans to reference/include the reasonable lodestar of additional plaintiff  
 27 firms that were assigned work in the MDL proceedings when making Plaintiffs’ fee request. This  
 will increase the lodestar and, in turn, reduce the multiplier.

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1	<b>TASK</b>	<b>HOURS</b>
2	Preparation of Complaints  (Including client interviews and questionnaires; investigation and factual and legal research for complaints)	619.15
3	Case Management and Misc. Work  (Including paralegal work, review and analysis of general pleadings and orders and case management conference issues, among other necessary case work)	1,014.35
4	Discovery  (Including drafting of initial disclosures; consulting with Plaintiffs to prepare and finalize initial disclosures; arbitration-related discovery to Defendants; research regarding Defendants' objections; researching and drafting motions to compel; meet-and-confer conferences; reviewing and analyzing produced documents and materials; conducting ADR-related discovery; and attending hearings and meetings regarding discovery)	1,862.00
5	Investigation and Research  (Including legal and factual research and analysis)	186.90
6	Motion to Compel Arbitration  (Including analysis of Defendants' motion; factual and legal research; drafting opposition brief and working with Plaintiffs on declarations; preparation for, and attending and arguing at, hearing)	716.20
7	Motion to Dismiss  (Including analysis of Defendants' motion; factual and legal research; drafting opposition brief; preparation for, and attending and arguing at, hearing)	456.90
8	Working with Experts  (Including consultations with experts and analysis of related materials)	42.80

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1	Motion to Stay Order Denying Motion to Compel Arbitration	
2	(Including analysis of Defendants' motion; factual and legal research; drafting opposition brief; preparation for, and attending and arguing at, hearing)	191.90
5	Appellate Work	
6	(Including review and analysis of Defendants- Appellants' brief; research for Plaintiffs- Appellees' brief; work on Plaintiffs-Appellees' brief; conferences with the Circuit Mediator and Defendants-Appellants)	96.00
9	Settlement	
10	(Including research and preparation of mediation briefs; attending mediations; settlement negotiations; work on the settlement agreement and exhibits; negotiations and conferences with defendants, and further discussions with the mediator and Circuit Mediator)	935.40
14	Motion for Preliminary Approval	
15	(Including drafting the motion; research; preparation of the declarations in support of the motion; work on various materials, including the long and short forms of notice, press release and proposed order)	483.20
18	<b>TOTAL</b>	<b>6,604.80</b>

20       6.     **Costs and Expenses:** The total estimated costs and expenses of Interim Co-Lead  
21 Counsel to date are \$72,414.63.

22       7.     With respect to the parties' efforts to acquire direct contact information for the  
23 putative class, counsel for Carrier iQ, Tyler Newby, served as a liaison between the parties and the  
24 mobile carriers because Carrier iQ had an existing business relationship with the carriers. The  
25 parties' efforts to obtain direct contact information from the carriers is set forth in Mr. Newby's  
26 declaration filed herewith.

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8. My co-counsel, Robert F. Lopez is filing a confidential supplemental declaration contemporaneously with this declaration. The declaration of Mr. Lopez addresses issues raised by the Court in the Order. I agree with the views and comments by Mr. Lopez in his declaration.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

6 Executed on February 2, 2016, at San Diego, California.

/s/ Daniel L. Warshaw  
Daniel L. Warshaw

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